

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

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|------------------------------------|---|--|
| Collie T. Ellerbe, #92236-071, |) | |
| |) | Civil Action No. 6:04-23418-HMH-WMC |
| Plaintiff, |) | |
| |) | <u>REPORT OF MAGISTRATE JUDGE</u> |
| vs. |) | |
| |) | |
| Geraldo Maldonado, Warden, et al., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

By order of this court filed January 24, 2007, the plaintiff was given through February 28, 2007, to provide proof of proper service on defendants Thomas Martin and Davie Keno. The plaintiff has provided such proof of service on defendant Martin, but has failed to do so on defendant Keno.

Wherefore, it is recommended that Davie Keno be dismissed as a defendant in this action for lack of proper service.

s/William M. Catoe
United States Magistrate Judge

March 5, 2007

Greenville, South Carolina